

Board of Selectmen's Meeting Minutes

October 7, 2010

Harpswell Town Office

Approved on October 21, 2010

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At 5:30 p.m. the Board met to handle administrative matters: Marguerite Kelly, Treasurer, reviewed the Comcast's Franchise Related Costs worksheet regarding the \$60,000 capital grant and associated interest and the \$5,400 technical grant; if the Board chooses to change the Franchise Agreement and accept \$6,000/year for 10 years (plus the \$5,400/year technology grant), subscribers will save approximately .06/month decreasing the proposed .54/month if the \$60,000 is paid in \$20,000 installments (12/10, 12/13 and 12/16); Administrator Eiane reviewed different options including accepting the capital funds at \$6,000/year and appropriating the funds to allow the funds to be available for media needs; Chairman Henderson stated, in his opinion, accepting the capital grant is similar to accepting the yearly franchise fee as both affect subscribers; the Board discussed the issue and agreed to further discuss it at the regular meeting; Bob Venard, Road Commissioner, explained that as part of the capital road review, he would like to have Gorrill and Palmer update the existing PCR (pavement condition rating) report, that will also include maintenance comments, for the top 37 roads for \$3,250. The Board agreed; Mr. Venard expressed concern about maintenance paving or filling cracks as the value may not be there; Selectman Multer reported on a meeting at Maine Municipal Association regarding a proposal for the Highway Simplification Study where the State will turn over minor collector roads and in return perform the winter maintenance of major collector roads which showed a savings to Harpswell of \$165,000/year; more information will follow as it develops; Mr. Venard stated in response to the Board's request for standards for posting roads, he is unable to differentiate reasons for posting some and not all as he would recommend, the Board appeared to concur; the response letter to Bailey Island Association was signed; the Board concurred with sole sourcing with Country Fare at \$11.45/yard of sand for winter use instead of sending out to bid; and the Board signed a first-time system variance request – with conditions - for Littlefield based on the attorney's recommendation.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Jason Marshall, Code Officer Assistant

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:40 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: Dale McGlaughlin, volunteer for Boy Scout Troop #642, stated two members were here this evening as part of obtaining their communications merit badge, Aaron Nordwall and Matthew Halphin. The Scouts hope to complete some projects this year at Mitchell Field. Mary Ann Nahf, as vice president of the Bailey Island Association, read the Association's letter of request advocating a solution with Cedar Beach by June of 2011.

3. Town Administrator's Report: Administrator Eiane reported that the Federal Emergency Management Agency (FEMA) has withdrawn the proposed flood maps for Cumberland and York Counties. Instead, FEMA is looking to work cooperatively with towns to develop a high risk map assessment; while Harpswell is unsure of the details regarding this plan, FEMA appears to have agreed to accept Robert Gerber's methodology town-wide. Administrator Eiane announced the Town's flu clinic is scheduled for October 14 from 9:00 a.m. to 12:00 noon and 5:00 p.m. to 7:00 p.m. The single dose vaccine will cover both seasonal and H1N1 flu. Administrator Eiane announced that the Town will be a host site for a medication collection effort on November 12 from 10:00 a.m. – 12:00 noon. Administrator Eiane stated the preliminary budget was presented to the Budget Advisory Committee yesterday with the Board's directives and the review process will continue over

the next few months. Administrator Eiane announced the Town is accepting designs for two welcome to Harpswell signs and the details, which include an award of \$500, are available on the Town's website and at the front desk with proposals due November 1. Administrator Eiane announced the Town now has a clear title to the tax-acquired property on Hildreth Road and that funding has been planned in the 2011 budget to obtain a wetland delineation of the property. Administrator Eiane stated a local resident, Mark Rogers, has become part of major league baseball with the Milwaukee Brewers and it is very exciting to follow a local success story.

4. Selectmen's Announcements: Selectman Multer announced the Town received an anonymous complaint about the parking issues on Robinhood Road and while the person did not sign a name, she encourages the person to come forward and meet with Town officials to review the issues. Chairman Henderson announced the Board created the Education Advisory Committee and anyone interested should contact the Town.

5. Consent Agenda: 1) Approval of the Minutes; 2) Contract with Maine Green Energy Audit: Selectman Multer removed item 2 from the consent agenda. Chairman Henderson moved, seconded by Selectman Wallace to approve the September 16 and 23 minutes; motion passed 3-0. Chairman Henderson confirmed that the contract reflected the request for proposals and moved, seconded by Selectman Wallace to approve the contract with Maine Green Energy Audit; motion passed 3-0.

6. Harpswell's MSAD 75 School Board Directors Report/Update: David Johnson, School Board member, reported on the activities of the Tech 10 Committee that include trying to resolve the issue of the students losing 240 minutes of academic time. Students currently attend their sending school for a ½ day and Technical Regional 10 for a ½ day and due to transportation time, students are losing academic time. The Committee is working on an all day program that will allow students to attend their sending school for a full day and the next day attend the Technical school for a full day. Mr. Johnson reported on the activities of another sub-committee he is part of, the SAD 75-Brunswick Task Force that is charged with looking for ways to collaborate on services between the school systems. Mr. Johnson reported that as a result of this committee, Mt. Ararat has changed its class schedules to match Brunswick's, which should allow further planning of services. Joanne Rogers, School Board member, reported on the Comprehensive Strategic Planning Committee activities including a status report on the new hire of an assistant superintendent and a report from Mary Booth regarding a new health program that promotes more fruits and vegetables, no sugar, more sleep and more exercise and how the program has been publicized through newsletters and Midcoast Hospital. Additionally, the Committee was provided an update on the West Harpswell School Closure Report including enrollment of West Harpswell at 68 (including 3 homeschooled students and 101 at Harpswell Islands School. The final school closure report should be presented to the School Board on October 14 and the preliminary numbers reflect an additional cost of \$19,000 over last year, totaling about \$238,000 for the Town. The Town's request to receive the report on Monday is being considered and the bus schedule request is being reviewed. Linda Hall, School Board Member, added that the new health program is also using the Hannaford's star program to let students know what is good for them. Ms. Hall reported the middle school's new grading system is standards based. A student will receive a grade based on the academic progress and one based on behavior, including preparation for class, class involvement etc. Ms. Hall stated the school board meetings are played on HCTV14 on Tuesday evenings.

7. Wharf Applications

- **Morton and Chilmonczyk, Map 60, Lot 12, 256 Bethel Point Road:** The hearing was opened at 7:43 p.m. Jason Marshall, Code Assistant, described the proposal and read a memo from Bill Wells, Code Enforcement Officer. Chairman Henderson questioned if the Town's ordinance limits the length; Joe Leblanc, owner's representative, responded the Dept. of Environmental Protection limits a pier to reasonable length. The hearing was closed at 7:47 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not constitute a hazard to navigation or unreasonably affects the rights of others; motion passed 3-0.

- **Christopher and Tracey Wagner, Map 16, Lot 60, 64 Ash Cove Road:** The hearing was opened at 7:47 p.m. Jason Marshall, Code Assistant, reviewed the application and handed out an updated overhead and side view drawing. Susan Horowitz stated she thought after the on-site hearing, the proposed location would be moved further from her property line and the angle of the pier would be changed. Mr. Leblanc set a stake on site showing where the pier would be earlier today and Ms. Horowitz hasn't been able to view it. Mr. Leblanc stated the pier was originally proposed to be 34 feet from the property line and is now at 75-feet but the angle is necessary and regardless of the location, the abutters will see the pier, however there is no view easement limiting the property use. Gail Kass suggested tabling the item until Ms. Horowitz could view the staked location. Chairman Henderson stated he believes the proposal may meet the requirements within the Board's purview. Selectman Multer moved, seconded by Selectman Wallace to table this matter. The hearing was closed at 8:07 p.m. Motion passed 3-0.
- **Thomas & Catharine Nicholson, Map 45, Lot 109, 21 North Ledges Road:** Jason Marshall reviewed the proposal. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not constitute a hazard to navigation or unreasonably affects the rights of others; motion passed 3-0.
- **Hyman Gulak, Map 52, Lot 154, 88 Laurel Cove Road:** Jason Marshall reviewed the proposal. Chairman Henderson questioned the affects of the floating walkway and how it sits on the intertidal zone at low tide. Chairman Henderson moved, seconded by Selectman Multer to table this matter [and requested the agent attend the next meeting to answer questions]; motion passed 3-0.

8. Public Hearing Regarding Property Assessed Clean Energy Ordinance: The hearing was opened at 7:25 p.m. Administrator Eiane reported the Efficiency Maine has received about 30 million dollars to offer low interest loans for residents to achieve energy efficient improvements. John Monaghan, chair of the Energy Committee, stated that Towns must adopt an ordinance to allow its residents access to the funds. There are two ordinance options: one allowing the municipality to administer the program and one that requires a municipality to promote the program with Efficiency Maine administering it. Mr. Monaghan explained that the loan is not a tax assessed loan and therefore does not rate top priority like taxes. The loan is up to \$15,000 with an interest target rate of 5% and a repayment schedule based on the payback period of the improvements. Once a municipality has an adopted ordinance, the Town must enter into an agreement with Efficiency Maine. Mr. Monaghan mentioned additional energy efficiency programs available to taxpayers and a combination of the programs helps make energy efficient improvements more affordable. Selectman Multer expressed concern about signing up for a program that may change. Mr. Monaghan suggested the Town could add certain clauses in the agreement to alleviate concerns. Administrator Eiane noted Town Meeting can terminate an ordinance. The hearing was closed at 7:37 p.m. The Board noted a few minor non-substantive changes but since the Board previously approved the proposed ordinance and it has been distributed to voters for the November 2 ballot, changes cannot be made. Chairman Henderson summarized passage of the ordinance will provide every household an opportunity to apply for low interest loans.

9. Reconsideration of Franchise Agreement with Comcast: CV Noyes stated he was the one at the hearing regarding the franchise agreement that brought up the interest issue. Mr. Noyes recommended leaving the Agreement as previously approved with the capital and technology grants as Comcast will get their money through rates regardless of the Town's Agreement details. Mr. Noyes stated the Communications Advisory Committee's philosophy was that subscribers should cover the costs as the cost of doing business. Chairman Henderson agreed there is a cost of doing business such as restaurants passing on taxes but that the 11% interest on the capital funds at \$20,000 for 3 years appears to be an issue of principle. Selectman Multer proposed pursuing the scenarios shown on the Town Administrator's worksheet that includes accepting the capital funds at \$6,000/year for 10 years and appropriating the remaining funds that may be needed for equipment. Selectman Multer moved, seconded by Selectman Wallace to change the existing Franchise Agreement with Comcast to accept \$6,000/year with no interest; motion passed 3-0. Selectman Multer stated she preferred to

forgo the \$5,400/year technology grant as well and have the affected entities budget for the cost of internet. David Chipman stated that it is best to accept the funds that will help local entities as the bill will still go up even if the funds are not accepted. Chairman Henderson expressed that he was against removing the technology grant from the Agreement. There was no action to remove it. Administrator Eiane stated Town Meeting will need to authorize an article for the use of \$5,400 and capital scenarios.

10. Expansion of Midcoast Regional Weatherization and Energy Efficiency Initiative (MRWEEI) Grant Scope and Nominate Member to MRWEEI Project Committee: Administrator Eiane stated that Midcoast Council of Governments (MCOG) applied for a regional weatherization grant last year for its participating towns, including Harpswell. MCOG is proposing to change the scope of work to eliminate the vocational training element and add a significant outreach/education component. The Board was amenable to the revision. Chairman Henderson moved, seconded by Selectman Wallace to appoint John Monaghan to the MRWEEI project committee that will work on the Grant; motion passed 3-0.

11. Consider Contract with Raymond Bronn for Removal of Metal Frame at Mitchell Field: Chairman Henderson added "the Contractor" in #1 to clarify who is supplying the materials and doing the work. Selectman Multer questioned whether future contracts should require the contractor to carry liability insurance of \$1 million instead of \$400,000. While the Maine Tort law limits municipalities' liability to \$400,000, staff will check with Maine Municipal legal whether there is any benefit. Chairman Henderson moved, seconded by Selectman Wallace to enter into the agreement with Raymond Bronn with the amendment on the first page; motion passed 3-0. Administrator Eiane pointed out the special use clause in the agreement that allows Mr. Bronn to remain on-site in a mobile camper during the approximate 1 week project.

12. Appointments: Committee and Officials: Chairman Henderson moved, seconded by Selectman Wallace to appoint Len Freeman and John Chiquoine to the Fire & Rescue Committee for strategic planning; motion passed 3-0. CV Noyes stated he believes the composition of the committee is wrong since none of the members should be persons involved with fire and rescue. Chairman Henderson reviewed the memo that explains the Town's code enforcement officer would be out for 3 weeks and a proposal to cover the time period. Chairman Henderson moved, seconded by Selectman Wallace to appoint Jason Marshall as the interim Code Office and appoint Albert Ferris as interim plumbing inspector from October 8 to October 29 while CEO Bill Wells is on vacation; motion passed 3-0.

13. Consider Setting Public Hearings: 1) Land Use Ordinances; 2) General Assistance Ordinance Maximums: The Board set October 21 at 7:00 p.m. as a public hearing on the general assistance ordinance maximums and November 4 at 7:00 as a hearing regarding the land use ordinances amendments; both at the Town Office. Chairman Henderson questioned if Planning Board wanted a meeting prior to the hearing. Chairman Henderson noted he had questions regarding the proposals including why a definition of open space is needed. The Board scheduled a meeting with the Conservation Commission at 5:30 p.m. on October 21.

14. Other Business: There was none.

15. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Wallace to authorize warrant #65 in the amount of \$615,514.46; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #66 in the amount of \$2,331.59; motion passed 2-0 (Selectman Wallace abstained). Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant 67 in the amount of \$300 to Al Rollins; motion passed 3-0. Payroll warrant #40 in the amount of \$12,830.97 was noted for the record.

Additional administrative items were reviewed: Chairman Henderson requested a review of the Graveyard Point Town property be placed on the next agenda; the Town Lands Committee is looking for a steward for

Mackerel Cove; Chairman Henderson questioned enforcement ability regarding sewage discharge from boats into the water (i.e. Quahog Bay) and the Harbormaster will report at the next meeting; the Board discussed the parking issues and possibility of towing and adding signs at Robinhood Road by next summer; and the other Board members agreed with Selectman Multer's position that the MMA Legislative Policy Committee should only support legislation requiring Town committees to maintain minutes if they are committees that have the authority to take action (e.g. Planning Board).

16. Adjournment: The meeting adjourned by unanimous vote at 9:50 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]